

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-259 effective May 1, 1974, see section 29(a) of Pub. L. 93-259, set out as a note under section 202 of this title.

§ 261. Applicability of “area of production” regulations

No employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended [29 U.S.C. 201 et seq.], on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of an activity engaged in by such employee prior to December 26, 1946, if such employer—

(1) was not so subject by reason of the definition of an “area of production”, by a regulation of the Administrator of the Wage and Hour Division of the Department of Labor, which regulation was applicable at the time of performance of the activity even though at that time the regulation was invalid; or

(2) would not have been so subject if the regulation signed on December 18, 1946 (Federal Register, Vol. 11, p. 14648) had been in force on and after October 24, 1938.

(May 14, 1947, ch. 52, § 12, 61 Stat. 89.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, as amended, referred to in text, is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of this title. For complete classification of this Act to the Code, see section 201 of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 262. Definitions

(a) When the terms “employer”, “employee”, and “wage” are used in this chapter in relation to the Fair Labor Standards Act of 1938, as amended [29 U.S.C. 201 et seq.], they shall have the same meaning as when used in such Act of 1938.

(b) When the term “employer” is used in this chapter in relation to the Walsh-Healey Act [41 U.S.C. 35 et seq.] or Bacon-Davis Act¹ it shall mean the contractor or subcontractor covered by such Act.

(c) When the term “employee” is used in this chapter in relation to the Walsh-Healey Act [41 U.S.C. 35 et seq.] or the Bacon-Davis Act¹ it shall mean any individual employed by the contractor or subcontractor covered by such Act in the performance of his contract or subcontract.

(d) The term “Wash-Healey Act”² means the Act entitled “An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes”, approved June 30, 1936 (49 Stat. 2036), as

amended [41 U.S.C. 35 et seq.]; and the term “Bacon-Davis Act” means the Act entitled “An Act to amend the Act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings”, approved August 30, 1935 (49 Stat. 1011), as amended.¹

(e) As used in section 255 of this title the term “State” means any State of the United States or the District of Columbia or any Territory or possession of the United States.

(May 14, 1947, ch. 52, § 13, 61 Stat. 90.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, as amended, referred to in subsec. (a), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of this title. For complete classification of this Act to the Code, see section 201 of this title and Tables.

The “Bacon-Davis Act”, as defined for purposes of this chapter in subsec. (d), is act Aug. 30, 1935, ch. 825, 49 Stat. 1011, which generally amended act Mar. 3, 1931, ch. 411, 46 Stat. 1494, popularly known as the “Davis-Bacon Act”, and which was classified to sections 276a to 276a-6 of former Title 40, Public Buildings, Property, and Works. Sections 276a to 276a-6 of former Title 40 were repealed and reenacted as sections 3141-3144, 3146, and 3147 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

CHAPTER 10—DISCLOSURE OF WELFARE AND PENSION PLANS

§§ 301 to 309. Repealed. Pub. L. 93-406, title I, § 111(a)(1), Sept. 2, 1974, 88 Stat. 851

Section 301, Pub. L. 85-836, § 2, Aug. 28, 1958, 72 Stat. 997, set forth Congressional findings and policy with respect to welfare and pension plan disclosure. See section 1001 of this title.

Section 302, Pub. L. 85-836, § 3, Aug. 28, 1958, 72 Stat. 997; Pub. L. 86-624, § 21(d), July 12, 1960, 74 Stat. 417; Pub. L. 87-420, §§ 2-5, Mar. 20, 1962, 76 Stat. 35, provided definitions for this chapter. See section 1002 of this title.

Section 303, Pub. L. 85-836, § 4, Aug. 28, 1958, 72 Stat. 998; Pub. L. 87-420, § 6, Mar. 20, 1962, 76 Stat. 35, related to plans covered within chapter. See section 1003 of this title.

Section 304, Pub. L. 85-836, § 5, Aug. 28, 1958, 72 Stat. 998; Pub. L. 87-420, § 7, Mar. 20, 1962, 76 Stat. 36, related to duties of administrator and definition of “administrator”. See sections 1002(16)(A) and 1021 of this title.

Section 305, Pub. L. 85-836, § 6, Aug. 28, 1958, 72 Stat. 999; Pub. L. 87-420, § 8, Mar. 20, 1962, 76 Stat. 36, related to time for publication and contents of plan. See section 1022 of this title.

Section 306, Pub. L. 85-836, § 7, Aug. 28, 1958, 72 Stat. 1000; Pub. L. 87-420, §§ 9-13, Mar. 20, 1962, 76 Stat. 36, 37, related to time for publication, contents, etc., of annual reports. See section 1023 of this title.

Section 307, Pub. L. 85-836, § 8, Aug. 28, 1958, 72 Stat. 1002; Pub. L. 87-420, §§ 14, 18, Mar. 20, 1962, 76 Stat. 37, 43, related to publication of description of plan and annual report. See section 1024 of this title.

Section 308, Pub. L. 85-836, § 9, Aug. 28, 1958, 72 Stat. 1002; Pub. L. 87-420, § 15, Mar. 20, 1962, 76 Stat. 37, related to enforcement provisions. See section 1131 et seq. of this title.

Section 308a, Pub. L. 85-836, § 10, as added Pub. L. 87-420, § 16(a), Mar. 20, 1962, 76 Stat. 38, related to reports as public information. See section 1026 of this title.

Section 308b, Pub. L. 85-836, § 11, as added Pub. L. 87-420, § 16(a), Mar. 20, 1962, 76 Stat. 38, related to retention of records. See section 1027 of this title.

¹ See References in Text note below.

² So in original. Probably should be “Walsh-Healey Act”.

Section 308c, Pub. L. 85-836, §12, as added Pub. L. 87-420, §16(a), Mar. 20, 1962, 76 Stat. 38, related to reliance on administrative interpretations and forms. See section 1028 of this title.

Section 308d, Pub. L. 85-836, §13, as added Pub. L. 87-420, §16(a), Mar. 20, 1962, 76 Stat. 39, related to bonding requirements. See section 1112 of this title.

Section 308e, Pub. L. 85-836, §14, as added Pub. L. 87-420, §16(a), Mar. 20, 1962, 76 Stat. 40, related to establishment, membership, duties, etc., of Advisory Council on Employee Welfare and Pension Benefit Plans. See section 1142 of this title.

Section 308f, Pub. L. 85-836, §15, as added Pub. L. 87-420, §16(a), Mar. 20, 1962, 76 Stat. 41, related to administration of provisions of chapter. See section 1137 of this title.

Section 309, Pub. L. 85-836, §16, formerly §10, Aug. 28, 1958, 72 Stat. 1002, renumbered and amended Pub. L. 87-420, §16(a), (b), Mar. 20, 1962, 76 Stat. 38, 41, related to effect of other laws on provisions of this chapter. See section 1144 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1975, except that chapter to remain applicable to any conduct and events which occurred before Jan. 1, 1975, see section 1031 of this title.

The Secretary of Labor was empowered, in the case of a plan which has a plan year which begins before Jan. 1, 1975, and ends after Dec. 31, 1974, to postpone by regulation the effective date of the repeal of any provision of this chapter until the beginning of the first plan year of such plan which begins after Jan. 1, 1975, pursuant to section 1031(b)(2) of this title.

CHAPTER 11—LABOR-MANAGEMENT REPORTING AND DISCLOSURE PROCEDURE

SUBCHAPTER I—GENERAL PROVISIONS

- Sec.
401. Congressional declaration of findings, purposes, and policy.
 (a) Standards for labor-management relations.
 (b) Protection of rights of employees and the public.
 (c) Necessity to eliminate or prevent improper practices.
402. Definitions.

SUBCHAPTER II—BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS

411. Bill of rights; constitution and bylaws of labor organizations.
 (a)(1) Equal rights.
 (2) Freedom of speech and assembly.
 (3) Dues, initiation fees, and assessments.
 (4) Protection of the right to sue.
 (5) Safeguards against improper disciplinary action.
 (b) Invalidity of constitution and bylaws.
412. Civil action for infringement of rights; jurisdiction.
413. Retention of existing rights of members.
414. Right to copies of collective bargaining agreements.
415. Information to members of provisions of chapter.

SUBCHAPTER III—REPORTING BY LABOR ORGANIZATIONS, OFFICERS AND EMPLOYEES OF LABOR ORGANIZATIONS, AND EMPLOYERS

431. Report of labor organizations.
 (a) Adoption and filing of constitution and bylaws; contents of report.
 (b) Annual financial report; filing; contents.
 (c) Availability of information to members; examination of books, records, and accounts.

Sec.
432.

Report of officers and employees of labor organizations.

- (a) Filing; contents of report.
(b) Report of certain bona fide investments.
(c) Exemption from filing requirement.

433.

Report of employers.

- (a) Filing and contents of report of payments, loans, promises, agreements, or arrangements.
(b) Persuasive activities relating to the right to organize and bargain collectively; supplying information of activities in connection with labor disputes; filing and contents of report of agreement or arrangement.
(c) Advisory or representative services exempt from filing requirements.
(d) Exemption from filing requirements generally.
(e) Services by and payments to regular officers, supervisors, and employees of employer.
(f) Rights protected by section 158(c) of this title.
(g) "Interfere with, restrain, or coerce" defined.

434.

Exemption of attorney-client communications.

435.

Reports and documents as public information.

- (a) Publication; statistical and research purposes.
(b) Inspection and examination of information and data.
(c) Copies of reports or documents; availability to State agencies.

436.

Retention of records.

437.

Time for making reports.

438.

Rules and regulations; simplified reports.

439.

Violations and penalties.

- (a) Willful violations of provisions of subchapter.
(b) False statements or representations of fact with knowledge of falsehood.
(c) False entry in or willful concealment, etc., of books and records.
(d) Personal responsibility of individuals required to sign reports.

440.

Civil action for enforcement by Secretary; jurisdiction.

441.

Surety company reports; contents; waiver or modification of requirements respecting contents of reports.

SUBCHAPTER IV—TRUSTEESHIPS

461.

Reports.

- (a) Filing and contents; annual financial report.
(b) Applicability of other laws.
(c) Penalty for violations.
(d) False statements and entries; failure to disclose material facts; withholding, concealing or destroying documents, books, records, reports, or statements; penalty.
(e) Personal liability.

462.

Purposes for establishment of trusteeship.

463.

Unlawful acts relating to labor organization under trusteeship.

464.

Civil action for enforcement.

- (a) Complaint; investigation; commencement of action by Secretary, member or subordinate body of labor organization; jurisdiction.
(b) Venue.
(c) Presumptions of validity or invalidity of trusteeship.

465.

Report to Congress.